

REMARKS

Examples 5 and 6 in the specification and claims 33 have been amended to change the term “radial rays” to “radioactive rays”. This is actually a further correction of the original English language translation of the term and is inherently supported by the definition of “Mrads” as the units used to measure the intensity of the rays, and the fact that the radioisotope cobalt 60 is used as the source of the rays.

Claims 6, 19 and 20 have been amended to recite a selected Markush group of free radical scavengers as supported, for example, on page 3, lines 26 and 27 and claim 2 of the original English language specification.

Former dependent claims 12, 21, 25, 28 and 29 have been amended to put them in independent form and claims 1-5, 11, 13, 14, 24, 26 and 27 have been cancelled.

The other amendments to the specification and claims are for the purpose of correcting typographical errors or making obvious language improvements and are self-explanatory.

Reconsideration of this application, as amended, is respectfully requested.

Claims 7, 8, 15, 16, 19, 20, 28 and 29 have been objected to on the ground that claims 8, 16, 20 and 29 are identical to claims 7, 15, 19 and 28 respectively. This objection is respectfully traversed with respect to claims 15, 16, 19, 20, 28 and 29 since these pair of claims are not actually identical. Thus, claims 15 and 28 recite “0.01 to 10 wt. %” while claims 16 and 29 recite “0.01 to 2 wt. %”, and claim 19 recites “heat treatment or radiation sterilization” while claim 20 recites “heat treatment and radiation sterilization”. With respect to claims 7 and 8, claim 8 has now been amended to recite “heat treatment and radiation sterilization” as distinct from “heat treatment or radiation sterilization” recited in claim 7.

Claims 1-11, 13-20, 22-24, 26, 27 and 30-33 have been rejected under 35 U.S.C. 102(b) as being clearly anticipated by Peterson et al., who disclose biodegradable adhesive compositions for repairing connective tissue comprising polyamino acids, which may include a biologically active peptide such as a protein; and a free radical scavenger which may be prophylgallate, 3-t-butyl-4-hydroxyanisole (BHA) or ascorbic acid. The composition may be subjected to radiation sterilization with the purpose of the scavenger being to retard radiation induced degradation of the biologically active peptide. It is submitted, however,

that this rejection based on anticipation under 35 U.S.C. 102(b) does not apply to these claims as amended. Thus, claims 1-5, 11, 13, 14, 24, 26 and 27 have been cancelled, and the scavenger in claims 6-10, 15-20, 22, 23 and 30-33 has been limited by direct amendment of independent claims 6, 19 and 20 or by dependency on such independent claims, to polyphenols, tannic acids, gallic acids or vitamin E, none of which is disclosed by Peterson et al. The claims as amended are therefore novel and the rejection under 35 U.S.C. 102(b) should be withdrawn.

Claims 12, 21, 22, 25, 28 and 29 have been objected to as dependent on a rejected claim. Claims 12, 21, 25, 28 and 29 have now been put in independent form and are believed to be allowable since all objections to them appear to be overcome and they have not been rejected based on prior art, while claim 22 which remains dependent on claim 19 is also believed to be allowable, since, as brought out previously, claim 19 has been amended to overcome its rejection on Peterson et al.

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This application is now thought to be in condition for allowance, and such action at an early date is earnestly solicited.

Respectfully submitted,

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